

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,)
)
)
v.) **CRIMINAL No. 2:95-cr-29-DBH**
)
THOMAS J. BARTELHO,)
)
DEFENDANT/PETITIONER)

**ORDER AFFIRMING RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE**

On April 16, 2015, the United States Magistrate Judge filed with the court, with copies to the parties, his Recommended Decision on the petitioner's motion to alter or amend the court's February 5, 2015, section 2255 judgment and the underlying criminal judgment against him. The petitioner filed his objection to the Recommended Decision on June 8, 2015. I have reviewed and considered the Recommended Decision, together with the entire record; I have made a *de novo* determination of all matters adjudicated by the Recommended Decision; and I concur with the recommendations of the United States Magistrate Judge for the reasons set forth in the Recommended Decision, and determine that no further proceeding is necessary.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. In accordance with the gatekeeping provisions of 28 U.S.C. §§ 2244, 2255(h), the petitioner's motion is **DISMISSED**.

I find that no certificate of appealability, pursuant to Rule 11 of the Rules Governing Section 2255 Cases, shall issue because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. § 2253(c)(2).

In light of my affirmation of the Magistrate Judge's Recommended Decision ruling that I have no jurisdiction, no action is necessary or appropriate on the petitioner's motion to take judicial notice.

So ORDERED.

DATED THIS 13TH DAY OF JULY, 2015

/S/D. BROCK HORNBY

**D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE**